

REMARKS

The Notification requires submission of the following items to complete the requirements for acceptance under 35 U.S.C. § 371:

- (1) An additional fee of \$350 (small entity) for excess claims based on: \$100.00 for 6 independent claims over 3 and \$250.00 for 111 total claims over 20. As explained below, Applicants believe that these calculations are in error. According to Applicants' calculations, the correct excess claim fees are being paid herewith as outlined below.
- (2) An oath or declaration of the inventors in compliance with 37 C.F.R. 1.497(a) and (b) and executed in compliance with either 37 C.F.R. §§ 1.66 or 37 C.F.R. 1.68.
- (3) A Sequence Listing in compliance with the requirements of 37 C.F.R. §§ 1.821 - 1.825, namely (1) a paper copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(c), (2) a computer readable format (CRF) copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e), (3) a statement as required by 37 C.F.R. § 1.821(f) and § 1.821(g) that the Sequence Listing information recorded in computer readable form is identical to the written sequence listing and that no new matter is added by this submission, and (4) an Amendment that specifically directs the entry of the Sequence Listing into the application.
- (4) A surcharge of \$65.00 (small entity) for late submission of the oath or declaration.

Excess claim fees

It is respectfully submitted that the Notice's requested excess claim fee of \$350.00 was calculated in error and that the correct excess claim fee, taking into account the amendments made to the claims herewith, is \$200.00. This amount is based on the following calculations:

- (a) Independent claims over 3: There are a total of 10 independent claims (1, 25, 49, 66, 86, 91, 100, 108, 116, 117). The Application Transmittal Form dated June 3, 2005 indicates that five claims over the three allotted claims have been paid, i.e. a total of eight claims. Thus, an excess claim fee of \$200.00 is believed to be owed (2 unpaid independent claims X \$100.00 small entity fee per independent claim over the allotted three claims).
- (b) Total claims over 20: There are a total of 121 claims and no multiple dependent claims, as now amended. As the Application Transmittal Form indicates that the correct fee payment was made for 101 claims over the allotted 20 claims, no such fees are believed to be due.

- (c) Multiple dependent claims: There are no multiple dependent claims as now amended. Thus, no excess fees are owed for multiple dependent claims.

Oath or declaration

Enclosed with this submission is a copy of the signed declaration of coinventor MARK C. POZNANSKY, signed May 13, 2006 and coinventor RACHEL RUTISHAUSER, signed July 17, 2006. Accordingly, the application is now in compliance with the above noted requirements under 37 C.F.R. §§ 1.66, 1.68, 1.497(a)(b). The enclosed check covers the late-fee surcharge for the submission of this declaration.

Sequence listing

This submission is enclosed with or includes herewith the following:

- (1) a paper copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(c), (2) a computer readable format (CRF) copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e) (enclosed herewith),
- (2) a diskette containing a computer readable format (CRF) copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e) (enclosed herewith),
- (3) a statement as required by 37 C.F.R. § 1.821(f) and § 1.821(g) that the Sequence Listing information recorded in computer readable form is identical to the written sequence listing and that no new matter is added by this submission (included below), and
- (4) an Amendment that specifically directs the entry of the Sequence Listing into the application (this Amendment).

Statement Under 37 C.F.R. §§ 1.821(f) and 1.821(g)

The content of the computer readable format (CRF) copy of the Sequence Listing and the paper copy of the Sequence Listing that accompanied the filing of this application on January 6, 2006 and which was made in accordance with 37 C.F.R. 1.821 (c) and (e), respectively, are identical. This submission is filed in accordance with 37 C.F.R. 1.821(g) and does not include new matter.

Amendments

Claims 11, 12, 96, 98, 118, 119, 120 and 121 have been amended to remove multiple dependencies so as to avoid excess claim fees based on multiple dependent claims.

The foregoing amendments to the specification are made to insert the required SEQ ID NO identifiers associated with each listed sequence of the Sequence Listing in accordance with 37 C.F.R. §§ 1.821-1.825.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

**CONCLUSION**

Applicants believe that the present application is now in condition for acceptance under 35 U.S.C. § 371. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date July 19, 2006

By Gabriel J. McCool

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No 04-1105 for any such fees; and applicants hereby petition for any needed extension of time.